

FEB 16 2006

Attorney Docket RSW920010103US1

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re application of James M. Mathewson II, et al.

Serial Nbr: 09/909,537

Filed: July 20, 2001

For: Time-Sensitive Messages and Events

Art Unit: 2153

Examiner: Philip J. Chea

DECLARATION OF FACT UNDER 37 C.F.R. §1.131

We, James M. Mathewson, II and Keith A. Rafferty, hereby declare the following:

1) We are co-inventors of the invention described and claimed in U. S. Patent Application Number 09/909,537 (hereinafter, "the Subject Application"), entitled "Time-Sensitive Messages and Events", filed on July 20, 2001.

2) We conceived of and reduced to practice the invention -- as described and claimed in Claims 1 - 5, 7, 9 - 12, 14 - 20, 22 - 24, and 26 of the Subject Application (hereinafter, "the claimed invention") -- in this country before May 23, 2001. Our prior conception and reduction to practice are evidenced by the following:

a) Attached hereto as Exhibit A are selected pages of an Invention Disclosure

Serial No. 09/909,537

-1-

RSW920010103US1

document prepared prior to May 23, 2001. These pages describe the claimed invention, which comprises (in a first aspect) a method, system, and computer program product for handling time-sensitive messages by marking a message, by a creator thereof, as time-sensitive; sending the marked message from a computing device of the creator to a computing device of a recipient for whom the message was created, such that after the marked message is received at the computing device of the recipient, it will automatically be rendered to the recipient, and the recipient will be forced to respond thereto, within a time period of the time-sensitivity, and automatically receiving a reply from the recipient, sent from the computing device of the recipient to the computing device of the creator following the recipient's response thereto within the time period of the time-sensitivity and which comprises (in a second aspect) a method, system, and computer program product for improving electronic communications by receiving a plurality of electronic messages at a computing device of a recipient to whom the electronic messages are addressed; and evaluating the received electronic messages for processing by the computing device, where this evaluation further comprises: determining whether a selected one of the received electronic messages is time-sensitive; and requiring the selected one to be rendered to the recipient, and forcing the recipient to respond thereto, within a time period of the time-sensitivity if the determining step has a positive result and the time period of the time-sensitivity has been reached but not exceeded. (Portions of the Invention Disclosure may be redacted to remove information not necessary to establish the invention's conception or reduction to practice.)

b) The Invention Disclosure document was forwarded to a registered patent attorney prior to May 23, 2001 for the purpose of preparing and filing a utility patent application, which led to the July 20, 2001 filing of the Subject Application.

Serial No. 09/909,537

-2-

RSW920010103US1

3) Accordingly, the claimed invention was conceived and reduced to practice before May 23, 2001, and further the claimed invention was diligently reduced to constructive practice from prior to May 23, 2001 to the filing of the Subject Application on July 20, 2001.

4) We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U. S. C. §1001; and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

James M. Mathewson, II
James M. Mathewson, II

02/15/2006
Date

145 R/LG
Keith A. Rafferty

2-15-2006
Date

Serial No. 09/909,537

-3-

RSW920010103US1